HOGAN & HARTSON
L.L.P.

MICHELE C. FARQUHAR
PARTNER
(202) 637-5663
MCFARQUHAR@HHLAW.COM

COLUMBIA SQUARE
555 THIRTEENTH STREET, NW
WASHINGTON, DC 20004-1109
TEL (202) 637-5600
FAX (202) 637-5910

January 28, 2002

Ms. Magalie Salas, Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

Re: ET Docket No. 98-153 – Revision of Part 15 of the Commission's Rules Regarding Ultra-Wideband Transmission Systems
Ex Parte Communication

Dear Ms. Salas:

Pursuant to Section 1.1206(a)(2) of the Commission's rules and on behalf of XtremeSpectrum, Inc., I am filing this letter electronically to report a written ex parte communication in the above-referenced proceeding.

On January 25, 2002, I transmitted an electronic copy of the attached press release entitled "XtremeSpectrum Supports DoD Position For Ultra-Wideband Emissions" to Peter Tenhula, Senior Legal Advisor to Chairman Powell; Bryan Tramont, Senior Legal Advisor to Commissioner Abernathy; Paul Margie, Senior Legal Advisor to Commissioner Copps; and Monica Desai, Legal Advisor to Commissioner Martin.

If there are questions about this submission, please call me at the number above.

Respectfully submitted,

Michele C. Farquhar

Michele C. Farquhar
Counsel for XtremeSpectrum, Inc.

Attachment

For More Information Contact:

Maura Colleton
Qorvis
202.496.1000
mcolleton@qorvis.com

Diane Orr
Orr & Company
408.377.0308
diane@orr-co.com

For Immediate Release

XTREMESPECTRUM SUPPORTS DoD POSITION FOR ULTRA-WIDEBAND EMISSIONS

UWB Company Outlines "Win-Win" Solution for Industry, Government and Public

VIENNA, Virginia, January 25, 2002—XtremeSpectrum Inc., a privately held company dedicated to bringing ultra-wideband products to the wireless industry, today announced that, after careful review, it supports the position of the Department of Defense (DoD) on ultra-wideband articulated by Assistant Secretary of Defense John Stenbit. Specifically, Stenbit stated in his January 11 letter to Deputy Assistant Secretary of Commerce Michael Gallagher that DoD required that there be no intentional emissions below 4.2 GHz, except for imaging systems. XtremeSpectrum agrees with this restriction and endorsed no intentional emissions below 4.2 GHz in its recent submission to the FCC.

"Our company has its roots in the Department of Defense and many of our staff served in the armed forces. We believe that the best way forward for the FCC is to issue on February 14 a 'win-win' Report and Order that promotes national security and the UWB industry at the same time," said Dr. Martin Rofheart, president and CEO of XtremeSpectrum.

Martin Rofheart also met recently with Senator John Warner (R-VA) on the pending FCC decision. Senator Warner pledged his support to Virginia-based XtremeSpectrum and toward working for a "win-win" solution that benefits the Department of Defense and other government users, and industry.

-more-

XtremeSpectrum, based in Vienna, has already submitted to the FCC a "win-win" proposal for government and industry regarding UWB emissions below 4.2 GHz, which meets DoD's requirements. The emission limits proposed and endorsed by XtremeSpectrum are as follows (note that the FCC proposes to define "no intentional emissions" as 10 dB below Part 15 levels):

- 4.2 to 3.1 GHz, 10 dB below Part 15 limits
- 3.1 to 1.61 GHz, 16 dB below Part 15 limits
- 1.61 GHz and below, 34 dB below Part 15 limits

"We have met repeatedly with the Department of Defense and understand that our most recent proposal more than meets all the Department's concerns regarding intentional emissions below 4.2 GHz," said Rofheart. Rofheart also noted that the requirement for lower power emissions in restricted bands eliminates any need for a ban on communications between two battery-operated devices—so-called "peer-to-peer communications." That had been the key unresolved issue before the FCC for its February 14 meeting.

"An effective ban on all peer-to-peer communications was considered as a measure to protect GPS and PCS users from interference. The requirement for lower power emissions in these restricted bands provides better protection for GPS and PCS users while permitting peer-to-peer use," explained Mitchell Lazarus, an attorney with Fletcher, Heald and Hildreth, working with XtremeSpectrum. "DoD and XtremeSpectrum are proposing a simpler, more flexible solution that requires less government regulation to accomplish the FCC's goals."

Rofheart elaborated that, "Wireless peer-to-peer communication is the commercial driver for the entire UWB industry. UWB's market niche for success is its ability to deliver high-data rate communications at extremely low-power consumption, making it the ideal solution for the myriad battery-powered devices requiring wireless connectivity. If the FCC bans peer-to-peer communication for UWB by requiring a fixed, plugged-in node as part of all installations, there is no ability to leverage the low-power consumption of UWB and the commercial industry will falter."

The Department of Defense was a pioneer of ultra-wideband technology with a few, specialized applications. As the technology has developed, however, the Army, Navy, Air Force

and Special Operations Command have expressed great interest in the potential for the widespread application of ultra-wideband technology throughout the armed forces. U.S. commercialization of the technology would lower unit cost and drive innovation forward, facilitating the incorporation of ultra-wideband technology into defense systems that would aid each soldier, sailor, Marine and airman. Since 1998 alone, the Army, Navy, Air Force and DARPA have issued over 30 contracts to look at defense applications of ultra-wideband technology, including foliage penetrating radar, through-wall surveillance radar for urban warfare, advanced mine countermeasure systems, lightweight personnel detection devices, and communication systems for advanced Unmanned Aerial Vehicles.

About Ultra-wideband Technology

Ultra-wideband is a wireless technology that transmits an extremely low power signal over a wide swath of radio spectrum. Unlike conventional radio systems that operate within a relatively narrow bandwidth, i.e. Bluetooth, IEEE 802.11b, or IEEE 802.11a, ultra-wideband operates across a wide range of frequency spectrum by transmitting a series of very narrow and low power pulses. The combination of broader spectrum, lower power and pulsed data means that ultra-wideband causes less interference than conventional narrowband radio solutions, and delivers wire-like performance in an indoor wireless environment. This makes ultra-wideband technology ideal for consumer electronics applications such as camcorders, laptops, DVDs, digital cameras, etc.

About XtremeSpectrum

Founded in 1998, XtremeSpectrum Inc. is a wireless communications company developing system semiconductor solutions for the multimedia connectivity industry. Leveraging its unique understanding of ultra-wideband, XtremeSpectrum's patent-pending, ultra-wideband digital radio will allow multimedia-enabled devices, such as phones, set-top boxes, laptops, DVDs, video recorders and PDAs, to send and receive multiple streams of digital video, audio and data wirelessly, all at extremely low price points and power consumption levels—levels that cannot be reached by existing solutions. XtremeSpectrum will focus on customers in the OEM consumer electronic, OEM PC, PC-peripheral manufacturing, and wireless networking ODM/OEM spaces. For more information about the company, please call 703/269-3000 or visit http://www.xtremespectrum.com.

# # #